

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 00-1400 JP

RODOLFO CARDOZA-ROSAS,

Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

Proposed Findings

This matter comes before the Court upon the United States' Motion for an Order to Show Cause and Forfeiture of Appearance Bond, filed September 26, 2000 (*Doc. 25*). Having held a hearing on this matter on October 16, 2000, I hereby make the following findings:

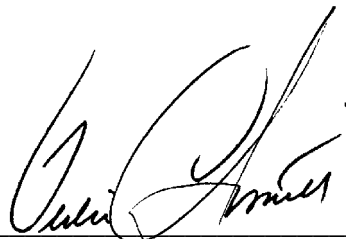
1. On August 9, 2000, the Defendant and his sureties, Rodolfo Cardoza-Romero and Manuela Cardoza-Rosas, executed an appearance bond in the amount of \$10,000.00.
2. The conditions of release, *inter alia*, that Defendant report to Pretrial Services as directed. On September 15, 2000, Mr. Samuel A. Romero, a United States Pretrial Services officer, filed a violation report and Petition for Action of Conditions of Pretrial Release, alleging that Defendant had absconded from supervision.
3. The Court noticed Defendant and his sureties, Rodolfo Cardoza-Romero and Manuela Cardoza-Rosas, that the Court set a bond forfeiture hearing for October 16, 2000. Notice was sent out on October 4, 2000.
4. Neither the Defendant nor his sureties were present at the October 16, 2000, bond

forfeiture hearing.

Recommended Disposition

Pursuant to Federal Rule of Criminal Procedure 46(e), I recommend a declaration of bond forfeiture against Defendant and his sureties, Rodolfo Cardoza-Romero and Manuela Cardoza-Rosas. I further recommend that judgment be entered against the Defendant and his sureties, Rodolfo Cardoza-Romero and Manuela Cardoza-Rosas, in the principal amount of \$10,000.00, together with United States District Clerk Docketing fees in the amount of \$150.00 as provided by 28 U.S.C. §1914(a), and costs.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within twenty days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

LESLIE C. SMITH
UNITED STATES MAGISTRATE JUDGE